



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

June 13, 2006

Mr. Douglas Warner
ECI, Corp
P.O. Box 820
Rehoboth Beach, DE 19971

RE: PLUS review – PLUS 2006-05-03; Retreat on Indian River

Dear Mr. Warner:

Thank you for meeting with State agency planners on May 24, 2006 to discuss the proposed plans for the Retreat on the Indian River project to be located on the southeast intersection of Warwick Road and Blue Claw Road.

According to the information received, you are seeking rezoning of 22 acres from AR-1 to MR for the purpose of 70 residential units.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- This is located in Investment Level 3 according to the Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Also, in the Environmentally Sensitive Developing Areas, State policies encourage growth that is sensitive to the natural resources on and surrounding the site. We would also encourage consideration be given for connectivity options for development that may occur to the east.

Street Design and Transportation

- Warwick Road and Blue Claw Road are classified as local roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- As presented, the preliminary plan shows a section of Vista Circle running along the east side of a no-outlet portion of Warwick Road. In this area, the west side of Warwick Road appears to serve three residential lots and a small farm that has been subdivided to create three more residential lots. Given the relatively small number of properties involved, DelDOT would suggest that the developer discuss with their neighbors across the road, the merits of having that last block of Warwick Road vacated. Some or all of the vacated lands could then be used to expand their development. If the developer wishes to proceed with that approach, they should contact Mr. Wayne Rizzo of our Real Estate Section to determine what would be required. Mr. Rizzo may be reached at (302) 760-2228.
- Regardless of whether they wish to vacate part of Warwick Road, DelDOT recommends that the developer consider adding a second access point for their development, this one being onto Vista Circle from Warwick Road. Such a connection could be essential for emergency access if Scenic View Drive were to become blocked.

- DelDOT understands the applicant's response to Item 42 on the PLUS form, but nonetheless they still recommend that stub streets be provided to the adjoining property to the east.

Natural and Cultural Resources

- The Division of Historical and Cultural Affairs would like the opportunity to document the existing agricultural complex before any demolition activities take place. They would also appreciate the opportunity to examine the known prehistoric-period site and to look for other sites, and learn something about their nature and extent prior to any ground-disturbing activities.
- The proposed 50-foot buffer from Indian River should be increased to 100 feet in order to protect water quality, especially since cumulative impacts are a concern along this river system. In addition, the river should not be the intended stormwater outlet. Since this development will result in an increase in impervious surface, areas along the river that do not have an existing 100-foot vegetative buffer should be planted with native trees, shrubs or wildflowers to provide the needed buffer protection.
- Portions of the property are in the 100-year floodplain. Increased density in the floodplain is not recommended as it can lead to increased property damage and encroachments which result in increased flood heights.
- PLUS materials indicate that 16.7 acres are proposed for open space. In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses.
- Most of the existing forested area will be removed by this project. Since 1990, over 20,000 acres of forest have been lost to development in Delaware, and a greater effort should be made to preserve the forest on this property. This forest block is not connected to any other forested habitat and as such when cleared, resident wildlife will be forced to disperse into surrounding areas in search of adequate habitat. There is not similar habitat in adjacent areas to support the displaced wildlife species, and human/animal conflicts will likely result including interactions on the roadways.

The most obvious way to reduce clearing would be to remove the stormwater management ponds from the wooded area. Trees function in flood abatement and erosion control and it does not make sense to remove them to control stormwater, especially when tree removal can exasperate flooding problems. The ponds

should be reduced in size and relocated to the non-forested portion of the property or an alternate method of stormwater containment should be utilized (such as bioswales, etc.). Also the network of trails could be reconfigured so that less clearing is necessary.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

This is located in Investment Level 3 according to the Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Also, in the Environmentally Sensitive Developing Areas, State policies encourage growth that is sensitive to the natural resources on and surrounding the site. We would also encourage consideration be given for connectivity options for development that may occur to the east.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

There is an early- to mid-20th-century agricultural complex (S-3109) within the parcel to the north. There is a known prehistoric-period archaeological site (S-644) on the eastern side of the southern parcel. There are several nearby historic agricultural complexes. In addition, Beers Atlas of 1868 shows the R. Fooks House, probably within this parcel. The USGS 15' topographic map for Rehoboth 1918 shows another house near the water, which is gone by the 1954 aerial photograph.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Fooks House, usually a good distance behind or to the side of the house. The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. We will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

The Division of Historical and Cultural Affairs would like the opportunity to document the existing agricultural complex before any demolition activities take place. They would also appreciate the opportunity to examine the known prehistoric-period site and to look

for other sites, and learn something about their nature and extent prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Warwick Road and Blue Claw Road are classified as local roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) As presented, the preliminary plan shows a section of Vista Circle running along the east side of a no-outlet portion of Warwick Road. In this area, the west side of Warwick Road appears to serve three residential lots and a small farm that has been subdivided to create three more residential lots. Given the relatively small number of properties involved, DelDOT would suggest that the developer discuss with their neighbors across the road, the merits of having that last block of Warwick Road vacated. Some or all of the vacated lands could then be used to expand their development. If the developer wishes to proceed with that approach, they should contact Mr. Wayne Rizzo of our Real Estate Section to determine what would be required. Mr. Rizzo may be reached at (302) 760-2228.
- 3) Regardless of whether they wish to vacate part of Warwick Road, DelDOT recommends that the developer consider adding a second access point for their development, this one being onto Vista Circle from Warwick Road. Such a connection could be essential for emergency access if Scenic View Drive were to become blocked.
- 4) DelDOT understands the applicant's response to Item 42 on the PLUS form, but nonetheless they still recommend that stub streets be provided to the adjoining property to the east.
- 5) If the proposed rezoning is approved, the developer's site engineer should contact Mr. John Fiori, our Subdivision Manager for Sussex County, regarding our specific requirements for access. He may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Soils

Based on the Sussex County soil survey update, Fort Mott and Fort Mott-Henlopen complex were mapped throughout the parcel. Fort Mott is a well-drained upland soil that, generally, has few limitations for development. Fort-Mott Henlopen complex is a somewhat-excessively drained soil that has moderate limitations of account of its rapid permeability.

Wetlands

Based on Statewide Wetland Mapping Project (SWMP) mapping, this parcel borders or contains tidally-influenced estuarine wetlands.

It should be noted that in addition to U.S. Army Corps of Engineers (ACOE) jurisdictional wetland requirements, tidally-influenced wetlands are subject to additional and more stringent regulatory requirements provisions of the State of Delaware's Tidal Wetlands Regulations (Chapter 66). Since it almost certain that such wetlands are found on this parcel, the Wetlands Section of the Division of Water Resources must be contacted to make a definitive assessment of their nature and extent of such wetlands before commencing any construction activities on this parcel. The Wetlands Section can be reached at 739-9943.

Buffers from Wetlands and Water Bodies

The proposed 50-foot buffer from Indian River should be increased to 100 feet in order to protect water quality, especially since cumulative impacts are a concern along this river system. In addition, the river should not be the intended stormwater outlet. Since this development will result in an increase in impervious surface, areas along the river that do not have an existing 100-foot vegetative buffer should be planted with native trees, shrubs or wildflowers to provide the needed buffer protection.

Impervious Cover

Since studies link increases in impervious cover to decreases in water quality, the applicant is strongly encouraged to pursue best management practices (BMPs) that can mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover

preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of the Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the **high** nutrient reduction area requiring an 85 percent and 65 percent reduction in nitrogen and phosphorus, respectively. A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting.

Compliance with TMDLs through the PCS

As stated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. The TMDL calls for an 85% reduction for nitrogen and 65% for phosphorus from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. According to this tool, your development plan, as proposed, will increase nitrogen by 147 % and

phosphorus by 400%. Additional reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses, increasing passive, wooded open space, using enhanced nutrient removal wastewater technologies, and the use of stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via a public water system. Our records indicate that the project is located within the public water service area granted to Public Water Supply (a.k.a Tidewater Utilities) under Certificate of Public Convenience and Necessity 87-WR-04.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there is an Underground Storage Tank, identified as the Rogers Property, within less than 1000 feet of this project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

Standard Comments:

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

All ponds are required to be constructed per Pond Code 378.

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

DNREC regulations require no more than 20 acres to be disturbed at more time. A phased erosion and sediment control plan and sequence of construction will be required.

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.

The District strongly recommends investigation of Green Technology practices for this development such as bioretention and bioswales that would minimize the removal of forested areas. Please address.

Floodplains

Portions of the property are in the 100-year floodplain. Increased density in the floodplain is not recommended as it can lead to increased property damage and encroachments which result in increased flood heights.

Open Space

PLUS materials indicate that 16.7 acres are proposed for open space. In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Site Visit Request

DNREC has not surveyed this property, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site that would be affected by project activities.

In order to provide more informed comments and to make reasonable recommendations, their program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and to ensure that the project is environmentally sensitive. Please contact Bill McAvoy or Kitt Heckscher at (302) 653-2880 to set up a site visit.

Forest Preservation

Most of the existing forested area will be removed by this project. Since 1990, over 20,000 acres of forest have been lost to development in Delaware, and a greater effort should be made to preserve the forest on this property. This forest block is not connected to any other forested habitat and as such when cleared, resident wildlife will be forced to disperse into surrounding areas in search of adequate habitat. There is not similar habitat in adjacent areas to support the displaced wildlife species, and human/animal conflicts will likely result including interactions on the roadways.

The most obvious way to reduce clearing would be to remove the stormwater management ponds from the wooded area. Trees function in flood abatement and erosion control and it does not make sense to remove them to control stormwater, especially when tree removal can exasperate flooding problems. The ponds should be reduced in size and relocated to the non-forested portion of the property or an alternate method of stormwater containment should be utilized (such as bioswales, etc.).

Also the network of trails could be reconfigured so that less clearing is necessary.

Tree clearing should not occur April 1st to July 31st to reduce impacts to migratory birds and other wildlife species that utilize forests for breeding.

The forested areas on-site should be viewed as a community asset and managed appropriately. Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Plant Rescue

Because there is forest loss associated with this project, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society's nursery. Plants will then be used in restoration projects and/or sold at the Society's annual native plant sale. This can be done at no expense or liability to the developer/landowner. Please contact Lynn Redding at (302) 736-7726 or lynn_redding@ml.com.

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Rogers Property Millsboro, Facility # 5-000783, Project # S9301014

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 5.4 tons (10,744.3 pounds) per year of VOC (volatile organic compounds), 4.4 tons (8,895.5 pounds) per year of NOx (nitrogen oxides), 3.3 tons (6,563.3 pounds) per year of SO₂ (sulfur dioxide), 0.3 ton (584.2 pounds) per year of fine particulates and 449.4 tons (898,744.5 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.2 tons (4,333.7 pounds) per year of VOC (volatile organic compounds), 0.2 ton (476.8 pounds) per year of NOx (nitrogen oxides), 0.2 ton (395.7 pounds) per year of SO₂ (sulfur dioxide), 0.3 ton (510.6 pounds) per year of fine particulates and 8.8 tons (17,567.7 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 0.9 tons (1,717.5 pounds) per year of NOx (nitrogen oxides), 3.0 tons (5,974.1 pounds) per year of SO₂ (sulfur dioxide) and 440.6 tons (881,176.8 pounds) per year of CO₂ (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	5.4	4.4	3.3	0.3	449.4
Residential	2.2	0.2	0.2	0.3	8.8
Electrical Power		0.9	3.0		440.6
TOTAL	7.6	5.5	6.5	0.6	898.8

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.9 tons of nitrogen oxides per year and 3.0 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on

heating, cooling, and hot water energy use and are typically achieved through a combination of:

building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment.”

The Energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

They also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Treatment)
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Blue Claw Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the proposed application. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 3.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

This proposal is for the rezoning of 22.5 acres from AR to MR for 70 townhouse condominium units. This proposal is located on both sides of Rosedale Road at the Intersection of Warwick Road. According to the State Strategies Map, the proposal is located in an Environmentally Sensitive Area. As a general planning practice DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 1 and 2 areas outlined in the State Strategies Map. Furthermore, DSHA encourages residential development in Level 1 and 2 areas that is affordable to first time homebuyers. Although Millsboro has significant affordable housing needs, the proposal does not target any units for first time homebuyers. According to the Statewide Housing Needs Assessment in the Millsboro CCD, 36% of households in Millsboro are low income. Of the 8,222 occupied units, 567 are substandard. The most recent real estate data collected by DSHA revealed that the average home price in Millsboro was \$232,000, which is outside the affordability range of what is considered affordable to first time homebuyers. In fact, low- and moderate-income households earning 100% of Sussex County's median-income qualify for mortgages of only \$173,633. The provision of units targeted towards low- and moderate-income households would help increase housing opportunities for this increasing underserved population in Sussex County.

Department of Education – Contact: John Marinucci 739-4658

DOE offers the following comments on behalf of the Indian River School District.

1. Using the DOE standard formula, this development will generate an estimated 35 students.
2. DOE records indicate that the Indian River School Districts' *elementary schools are at or beyond 100% of current capacity* based on September 30, 2005 elementary enrollment.
3. DOE records indicate that the Indian River School Districts' *secondary schools are not at or beyond 100% of current capacity* based on September 30, 2005 secondary enrollment. In a correspondence dated May 1, 2006 from the Indian River School District, the district asserted that while the Indian River High School has capacity, the Middle Schools operated by the district are beyond capacity.
4. This development will create additional elementary school and middle school student population growth which will further compound the existing shortage of space. The developer is strongly encouraged to contact the Indian River School District Administration to address the issue of elementary school over-crowding that this development will exacerbate.
5. DOE requests developer work with the Indian River School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

Sussex County – Contact: Richard Kautz 855-7878

Per page 15 of the Comprehensive Plan, "any increased density by rezoning should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly.

All sidewalks and trails within the development and any constructed at the request of DelDOT should tie together internally and with adjacent development so that persons using wheelchairs or pushing strollers can navigate without hindrance.

The Sussex County Engineer Comments: The project is in the Environmentally Sensitive Developing Zone (ESDZ) near the Oak Orchard Sanitary Sewer District and Sussex County is considering serving the entire project within the Inland Bays Planning Area for sewer service. The study will conclude approximately June 2006. The study will develop options for sewer service and make a recommendation.

The project proposes to develop using a private central community wastewater system. The Sussex County Engineering Department opposes community systems in planning areas unless there are no other solutions. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and

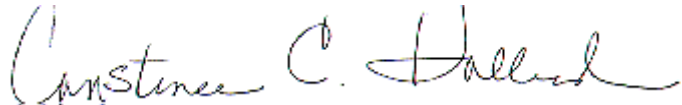
specifications. A sewer concept plan must be submitted to the Sussex County Engineering Department for review and approval prior to the design of the sewer system. A checklist for preparing concept plans is attached.

A review and approval of the treatment and disposal system by the Sussex County Engineering Department is required and plan review fees may apply. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility that meets TMDL limits for Delaware's Inland Bays. In addition, we recommend they have a wastewater utility provider prior to approving the project. Wastewater disposal fields should not be counted as open space and wastewater disposal fields should be clearly identified on recorded plots. When Sussex County provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or homeowners association expense.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Sussex County